

1998**Underpayment of Estimated Tax by Corporations****5806**

For calendar year 1998 or fiscal year beginning month _____ day _____ year 1998, and ending month _____ day _____ year _____

Corporation name _____

California corporation number _____

Part I Figure the Underpayment If line 7 shows an underpayment for any installment, complete the balance of this form.

| | | | | | |
|---|----|--------------------------|--------------|----------------|-----------------|
| 1 Current year's tax. See instructions. | 1 | | | | |
| 2 Enter in column (a) through column (d) the due dates for each installment | 2 | (a) | (b) | (c) | (d) |
| 3 Percentage required (short period filers see instructions) | 3 | 25% (not less than min.) | 50% less 1st | 75% less prior | 100% less prior |
| 4 Amount due. See instructions | 4 | | | | |
| 5 a Amount paid or credited for each installment. | 5a | | | | |
| b Overpayment from previous installment | 5b | | | | |
| 6 Add line 5a and line 5b | 6 | | | | |
| 7 Underpayment (subtract line 6 from line 4) or overpayment (subtract line 4 from line 6) | 7 | | | | |

Part II Exceptions to the Penalty If line 7 shows an underpayment for any installment, go to **Part IV, Exceptions Worksheets**.**Note:** If Exception A line 8a, is met for all four installments, do not attach this form to the return.

| | | | | | | | | | | | |
|--|----|------------------------------|--|-----|----|-----|----|-----|----|-----|----|
| | | (check the applicable boxes) | | Yes | No | Yes | No | Yes | No | Yes | No |
| 8 a Exception A — Regular Corporations, line 26 | 8a | | | | | | | | | | |
| b Exception A — Large Corporations. See instructions | 8b | | | | | | | | | | |
| 9 Exception B (line 42) met? | 9 | | | | | | | | | | |
| 10 Exception C (line 64) met? | 10 | | | | | | | | | | |

Part III Figure the Penalty If line 7 shows an underpayment for any installment and one of the three exceptions was not met, figure the penalty for that installment by completing line 11 through line 22. (If the prior year's tax was only the minimum franchise tax, see the instructions for **Part III** before completing this part.)

| | | | | | |
|--|-----|--|--|--|--|
| 11 Enter the earlier of the payment date, or the 15th day of the 3rd month after the close of the income year. Form 109 filers, see instructions. | 11 | | | | |
| 12 Number of days from date shown on line 2 to date shown on line 11 | 12 | | | | |
| 13 Number of days on line 12 before 7/1/98 | 13 | | | | |
| 14 Number of days on line 12 after 6/30/98 and before 1/1/99 | 14 | | | | |
| 15 Number of days on line 12 after 12/31/98 and before 7/1/99 | 15 | | | | |
| 16 Number of days on line 12 after 6/30/99 and before 1/1/00. See inst | 16 | | | | |
| 17 Number of days on line 12 after 12/31/99 and before 2/15/00. | 17 | | | | |
| 18 Number of days on line 13 _____ Number of days in income year x 9% x line 7. | 18 | | | | |
| 19 Number of days on line 14 _____ Number of days in income year x 9% x line 7. | 19 | | | | |
| 20 Number of days on line 15 _____ Number of days in income year x 8% x line 7. | 20 | | | | |
| 21 Number of days on line 16 _____ Number of days in income year x % (call FTB for %) x line 7. | 21 | | | | |
| 22 Number of days on line 17 _____ Number of days in income year x % (call FTB for %) x line 7. | 22 | | | | |
| 22a Add amounts for each column from line 18 through line 22 | 22a | | | | |
| 22b Total estimate penalty due. Add line 22a, column (a) through column (d). Enter here and on Form 100, line 42; Form 100S, line 42 or Form 109, line 29 | 22b | | | | |

Part IV Exceptions Worksheets Even if line 7 shows an underpayment for any installment, Franchise Tax Board (FTB) will **not** assess a penalty if timely payments were made and they equal or exceed the amount determined under any of the three exceptions for the same installment period.

Exception A — Prior Year's Tax — Regular Corporations

| | | | | | | | | | |
|--|--------------------------|-----|-----|-----|-----|-----|------|-----|----|
| 23 Prior year's tax (the return must have been for a full 12 months) | | | | | 23 | | | | |
| | (a) | | (b) | | (c) | | (d) | | |
| | 25% (not less than min.) | | 50% | | 75% | | 100% | | |
| 24 Enter line 23 x the percentage shown | 24 | | | | | | | | |
| 25 Amount paid by the installment due date (cumulative) | 25 | | | | | | | | |
| 26 Exception met? Circle "yes" or "no" and check applicable boxes on line 8a | 26 | Yes | No | Yes | No | Yes | No | Yes | No |

Exception A — Prior Year's Tax — Large Corporations

Use this exception only if prior year tax is less than current year tax.

| | | | | | | | | |
|--|-----|-----|----|-----|-----------------|-----|-----------------|----|
| 27 Current year's tax | | | | | 27 | | | |
| | | | | | 1st Installment | | 2nd Installment | |
| 28 a Installment due. Enter line 23 x 25% (.25) | 28a | | | | | | | |
| b Installment due. Enter line 27 x 50% (.50) | 28b | | | | | | | |
| 29 Amount paid by the installment due date (cumulative) | 29 | | | | | | | |
| 30 Compare the amount on line 28 with the amount on line 29. If the amount on line 28 is greater than the amount on line 29, the exception was not met. Circle "yes" or "no" and check applicable boxes on line 8b | 30 | Yes | No | Yes | No | Yes | No | No |

To meet this exception you must circle **yes** for **both** installments. See instructions regarding amounts to use for installment 3 and installment 4.

Exception B — Tax on Annualized Current Year Income

Enter number of months for each period. See instructions ►

| | | | | | | | | | |
|---|------------|-----------------------------|-----|-----|------|-----|----|-----|----|
| | Form | (a) | (b) | (c) | (d) | | | | |
| | 100 & 100S | | | | | | | | |
| | 109 | | | | | | | | |
| 31 Enter taxable income for each annualization period | 31 | | | | | | | | |
| 32 Annualization amounts. See instructions | 32 | | | | | | | | |
| 33 a Annualized taxable income. Multiply line 31 by line 32 | 33a | | | | | | | | |
| b R&TC Section 23802(e) deduction (S corporations only) | 33b | | | | | | | | |
| c Net income. Subtract line 33b from line 33a | 33c | | | | | | | | |
| 34 Tax. Multiply line 33c by the current tax rate | 34 | | | | | | | | |
| 35 Tax credits for each payment period | 35 | | | | | | | | |
| 36 Subtract line 35 from line 34 | 36 | | | | | | | | |
| 37 Other taxes* | 37 | | | | | | | | |
| 38 Total tax. Add line 36 and line 37 | 38 | | | | | | | | |
| 39 Applicable percentage. For short period returns (income year of less than 12 months) see the instructions for Part I, line 3 | 39 | 25% (not less than min.) | 50% | 75% | 100% | | | | |
| 40 Installment due. Multiply line 38 by line 39 | 40 | | | | | | | | |
| 41 Amount paid by the installment due date (cumulative) | 41 | | | | | | | | |
| 42 Exception met? If the exception has been met for any of the installment periods, circle "yes" or "no" and check applicable boxes on line 9 | 42 | Yes | No | Yes | No | Yes | No | Yes | No |

*Include alternative minimum tax, S corporation taxes from Schedule D and from the excess net passive income tax, the QSSS annual tax, LIFO recapture tax, credit recapture and the minimum franchise tax.

Part IV Exceptions Worksheets Continued

Exception C — Tax on Annualized Seasonal Income

| | (a) | (b) | (c) | (d) | | | | | |
|--|----------------------|--------------|--------------|---------------|----|-----|----|-----|----|
| | 1st 3 months | 1st 5 months | 1st 8 months | 1st 11 months | | | | | |
| 43 Enter taxable income for the following periods: | | | | | | | | | |
| a Income year beginning in 1995 | 43a | | | | | | | | |
| b Income year beginning in 1996 | 43b | | | | | | | | |
| c Income year beginning in 1997 | 43c | | | | | | | | |
| 44 Enter taxable income for each period for the income year beginning in 1998 | 44 | | | | | | | | |
| | 1st 4 months | 1st 6 months | 1st 9 months | Entire year | | | | | |
| 45 Enter taxable income for the following periods: | | | | | | | | | |
| a Income year beginning in 1995 | 45a | | | | | | | | |
| b Income year beginning in 1996 | 45b | | | | | | | | |
| c Income year beginning in 1997 | 45c | | | | | | | | |
| 46 Divide the amount in each column on line 43a by the amount in column (d) on line 45a | 46 | | | | | | | | |
| 47 Divide the amount in each column on line 43b by the amount in column (d) on line 45b | 47 | | | | | | | | |
| 48 Divide the amount in each column on line 43c by the amount in column (d) on line 45c | 48 | | | | | | | | |
| 49 Add line 46 through line 48 | 49 | | | | | | | | |
| 50 Divide line 49 by 3 | 50 | | | | | | | | |
| | 1st 4 months | 1st 6 months | 1st 9 months | Entire year | | | | | |
| 51 a Divide line 44 by line 50 | 51a | | | | | | | | |
| b R&TC Section 23802(e) deduction. (S corporations only) | 51b | | | | | | | | |
| c Net income. Subtract line 51b from line 51a | 51c | | | | | | | | |
| 52 Tax. Multiply line 51c by the current tax rate | 52 | | | | | | | | |
| 53 Divide the amounts in column (a) through column (c) on line 45a by the amount in column (d) on line 45a | 53 | | | [Hatched Box] | | | | | |
| 54 Divide the amounts in column (a) through column (c) on line 45b by the amount in column (d) on line 45b | 54 | | | | | | | | |
| 55 Divide the amounts in column (a) through column (c) on line 45c by the amount in column (d) on line 45c | 55 | | | | | | | | |
| 56 Add line 53 through line 55 | 56 | | | | | | | | |
| 57 Divide line 56 by 3 | 57 | | | | | | | | |
| 58 Multiply the amounts in column (a) through column (c) of line 52 by the amounts in the corresponding column of line 57. In column (d), enter the amount from line 52, column (d) | 58 | | | | | | | | |
| 59 Tax credits for each payment period | 59 | | | | | | | | |
| 60 Subtract line 59 from line 58 | 60 | | | | | | | | |
| 61 Other taxes* | 61 | | | | | | | | |
| | (not less than min.) | | | | | | | | |
| 62 Total tax. Add line 60 and line 61 | 62 | | | | | | | | |
| 63 Amount paid by the installment due date (cumulative) | 63 | | | | | | | | |
| 64 If the exception has been met for any of the installment periods, circle "yes" or "no" and check applicable boxes on line 10 | 64 | Yes | No | Yes | No | Yes | No | Yes | No |

*Include alternative minimum tax, S corporation taxes from Schedule D and from the excess net passive income tax, QSSS annual tax, LIFO recapture tax, credit recapture and the minimum franchise tax.

Instructions for Form FTB 5806

Underpayment of Estimated Tax by Corporations

General Information

For income years beginning on or after January 1, 1998, the applicable percentage for estimate basis is 100%. Use California Revenue and Taxation Code (R&TC) Section 19011, Section 19021 through Section 19027 and Section 19142 through Section 19161 to determine the estimate tax requirement for California.

An S corporation that is a parent of a Qualified Subchapter S Subsidiary (QSSS) is required to pay an \$800 annual tax for each QSSS. The QSSS annual tax is due and payable on the S corporation's first estimate installment due date. The QSSS annual tax is subject to the estimated tax rules and penalties.

If an S corporation acquires a QSSS during the income year, but after the due date of the first estimate installment, then the QSSS annual tax is due with the next required estimate installment after the acquisition of the QSSS.

No addition to tax shall apply with respect to any underpayment of estimated tax for any period before April 16, 1999, to the extent the underpayment of an installment for the 1998 income year was created or increased by the provisions of Senate Bill 519 (Ch. 7, Stats. 1998) or Assembly Bill 2797 (Ch. 322, Stats. 1998). To request a waiver of underpayment of estimated tax penalty:

- Complete form FTB 5806 to compute the full penalty which would normally be due;
- Write the word "Waiver," in red, across the top of form FTB 5806;
- Attach an explanation to form FTB 5806 that gives the specific law changes that caused the underpayment and show the computation and the amount of penalty to be waived (a second form FTB 5806, clearly marked as such, may be used to show the computation of the penalty not related to the law change); and
- Attach form FTB 5806 to the face of the return.

Purpose

Corporations may use form FTB 5806 to determine if they:

- Paid the correct estimated tax; or
- Are subject to the penalty for underpayment of estimated tax, and if so, the amount of the penalty.

Estimated tax is a corporation's expected tax liability after credits.

Caution: A corporation subject to the franchise tax must always pay at least the required minimum franchise tax, and any QSSS annual tax if applicable, by the 15th day of the 4th month of the income year.

Attach form FTB 5806 to the front of Form 100, California Corporation Franchise or Income Tax Return; Form 100S, California S Corporation Franchise or Income Tax Return or Form 109, California Exempt Organization Business Income Tax Return, **only** when the corporation uses Exception B or Exception C in figuring or eliminating the estimate penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29. Also see Specific Line Instructions, Part II, Exceptions to the Penalty.

The term **corporation**, as used in form FTB 5806 and in these instructions, includes banks, financial corporations, regulated investment companies, real estate investment trusts, exempt organizations with unrelated business taxable income in excess of \$1,000, exempt homeowners' association with nonexempt function taxable income in excess of \$100, limited liability companies organized as corporations, and S corporations.

Income year, as used in form FTB 5806 and in these instructions, means taxable year for corporations that are subject to income tax under Chapter 3 (i.e., corporations that are not doing business within California but derive income from sources within California) of the California Bank and Corporation Tax Law.

Tax, for purposes of estimates, includes alternative minimum tax, taxes from Schedule D, excess net passive income tax, LIFO recapture tax, and the minimum franchise tax. This differs from federal law.

Specific Line Instructions

Part I Figure the Underpayment

Generally, an underpayment is the difference between the amount due for each installment of estimated tax and the amount actually paid or credited on or before the due date of that installment.

Line 1 – Enter the total tax from Form 100, line 31; Form 100S, line 31; or Form 109, line 20. Also include any add-on taxes (except interest computed under the look-back method for completed long-term contracts and the increase in tax for the deferral of installment sale income) or credits recaptured on Form 100 or Form 100S, Schedule J; or Form 109, Schedule K.

Line 2 – Enter in column (a) through column (d) the estimated tax installment due dates that correspond to the 15th day of the 4th, 6th, 9th and 12th months of the income year.

Line 3 – Short period filers. Use the table below to determine the required percentage.

Line 4, column (a) – Enter 25% of the amount on line 1. **Do not enter an amount less than the minimum franchise tax for the income year and any QSSS annual tax, if applicable.**

Exception:

You can enter an amount less than minimum tax if you have been granted a tax exemption by the Franchise Tax Board (FTB), or are subject to income tax only under Chapter 3 of the California Bank and Corporation Tax Law (i.e., corporations that are not doing business within California but derive income from sources within California.)

Line 4, column (b) – Enter 50% of the amount on line 1 minus the amount entered in column (a).

Line 4, column (c) – Enter 75% of the amount on line 1 minus the total of the amounts entered on line 4, column (a) and column (b).

Line 4, column (d) – Enter 100% of the amount on line 1 minus the total of the amounts entered on line 4, column (a), column (b) and column (c).

Line 5a – The overpayment from a timely filed prior year return is credited as of the first estimate installment due date or the date of payment, whichever is later.

The overpayment from a delinquent filed prior year return is credited as of the first estimate installment due date, the date of the payment or the date the delinquent return was filed, whichever is later.

Get federal Rev. Rul. 84-58, 1984-1 C.B. 254, for more information.

Line 5b – Enter the overpayment from the previous installment. **However, if an underpayment existed on any prior installment, pay that underpayment first.**

Line 7 – If line 7 shows an underpayment for an installment, complete Part IV, Exceptions Worksheets and Part II, Exceptions to the Penalty, for that installment.

Part II Exceptions to the Penalty

The FTB will not assess a penalty if all of the estimated tax was paid on time and the payments satisfied the exception rules. A corporation may qualify for more than one exception. Complete Part IV, Exceptions Worksheets, to see if the corporation qualifies to use any of the exceptions.

California difference: Under California law, the exceptions are computed on a cumulative basis. This differs from federal law which requires only 25% of the annual payment for each installment.

Accounting Period Less Than 12 Months (Short Period)

Fiscal year corporations, adjust dates accordingly.

| If income year (calendar year) begins: | Number of Installments Due | Percentage of Estimated Tax Due On or Before the 15th Day of | | | |
|--|----------------------------|--|------|-----------|----------|
| | | April | June | September | December |
| January 1 through January 16 | 4 | 25% | 50% | 75% | 100% |
| January 17 through March 16 | 3 | | 33⅓% | 66⅔% | 100% |
| March 17 through June 15 | 2 | | | 50% | 100% |
| June 16 through September 15 | 1 | | | | 100% |
| September 16 through December 31 | None | | | | |

Exception A – Prior Year's Tax

Regular Corporations

Generally, this exception applies if the amount paid or credited on or before the installment due date equals or exceeds the tax shown on the return for the preceding year, prorated to each installment. For banks and financial corporations, the tax shown on the return includes the amount of the bank and financial tax rate adjustment. The return for the preceding year must have covered a full 12 months.

"Large" Corporations

A large corporation is any bank or corporation, including a predecessor bank or corporation, that had California net income (computed without regard to the net operating loss deduction) of \$1 million or more for any income year during the three income years immediately preceding the current income year.

This exception allows a large corporation to use prior year's tax for the 1st installment only. The difference between using the prior year's tax and the current year's tax for the 1st installment must have been added to the 2nd installment (calculated using current year's tax) to meet the exception.

Installments 3 and 4

Because Exception A for large corporations can only be used for the 1st two installments, you must use the amounts computed in Part I or Exception B or Exception C, column (c) and column (d) for your 3rd and 4th installments.

Exception B – Tax on Annualized Current Year Income

This exception applies if the estimated tax paid on or before the installment due date was equal to or more than the amount the corporation would owe if its estimated tax was computed on annualized taxable income for the months preceding an installment due date.

For each period, in column (a) through column (d), enter the number of months for the annualization method used based on the table below. For example, if a Form 100 is filed and the Standard Option was used, enter 3 in column (a), 3 in column (b), 6 in column (c) and 9 in column (d).

Annualization Periods

| Installment | 1st | 2nd | 3rd | 4th |
|-----------------|-----|-----|-----|-----|
| Standard option | 3 | 3 | 6 | 9 |
| Option 1 | 2 | 4 | 7 | 10 |
| Option 2 | 3 | 5 | 8 | 11 |

Corporations can use the Standard Option or must elect to use Option 1 or Option 2. Exempt organizations use Option 1 (the standard option for exempt organizations) or elect to use Option 2. The election to use an expanded option must be made on or before the due date of the first required installment payment. Get the instructions for the 1998 Form 100-ES, Corporation Estimated Tax, for more information.

Line 32 – Enter on line 32, column (a) through column (d), the annualization amounts for the option used. For example, if a Form 100 is filed and the Standard Option was used, on line 32, enter 4 in column (a), 4 in column (b), 2 in column (c) and 1.33333 in column (d). (Exempt organizations use the annualization amounts for the Standard Option or Option 1.)

Annualization Amounts

| Installment | 1st | 2nd | 3rd | 4th |
|-----------------|-----|-----|---------|---------|
| Standard option | 4 | 4 | 2 | 1.33333 |
| Option 1 | 6 | 3 | 1.71429 | 1.2 |
| Option 2 | 4 | 2.4 | 1.5 | 1.09091 |

Attach form FTB 5806 to the front of Form 100, Form 100S or Form 109 only if Exception B is used in computing or eliminating the penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29.

Exception C – Tax on Annualized Seasonal Income

This exception applies if the estimated tax paid on or before the installment due date was equal to or more than the amount the corporation would owe if its estimated tax was computed on annualized seasonal taxable income for the months preceding an installment due date. Use Exception C only if the corporation's base period percentage for any 6 consecutive months of the income year equals or exceeds 70%. Get the federal instructions for Form 2220, Underpayment of Estimated Tax by Corporations, for more information on the base period percentage.

Attach form FTB 5806 to the front of Form 100, Form 100S or Form 109 only if Exception C is used in computing or eliminating the penalty. Be sure to check the penalty box on Form 100, line 42; Form 100S, line 42; or Form 109, line 29.

Part III Figure the Penalty

If line 7 shows an underpayment for any installment and the corporation did not meet one of the exceptions in Part II, complete the penalty computation on line 11 through line 22.

Figure the penalty on the underpayment on line 7, from the installment due date to the return due date (excluding extension of time) or to the payment date, whichever is earlier.

Additional payments

If the corporation made additional payments for an installment, figure the penalty on the revised underpaid amount (amount on line 7 minus the amount of the last payment) from the last payment date to the return due date (excluding extension of time) or to the date of the next payment, whichever is earlier. Attach a separate computation for each additional payment.

If the prior year's tax was the minimum franchise tax and the corporation is not a large corporation, figure the penalty on the minimum franchise tax.

Line 11 – Enter the date payment was made or the return due date (excluding extension of time), whichever is earlier.

Form 109 filers – Enter the date payment was made, or the 15th day of the 5th month after the close of the income year, whichever is earlier.

If the installment due date fell on a Saturday, Sunday or a holiday and the corporation paid the estimate installment on the next business day, consider it paid on the due date.

Note: Days means calendar days unless otherwise noted.

Line 12 – Enter the number of days from the installment due date (line 2) to the date shown on line 11.

Line 13 – Enter the number of days on line 12 that are before 7/1/98 or the payment date, whichever is earlier.

Line 14 – Enter the number of days on line 12 that fall within the period after 6/30/98 and before 1/1/99 or the payment due date, whichever is earlier.

Line 15 – Enter the number of days on line 12 that fall within the period after 12/31/98 and before 7/1/99 or the payment due date, whichever is earlier.

Calendar year corporations – Enter the number of days on line 12 that fall within the period after 6/30/98 and before 3/15/99 or the payment date, whichever is earlier. The total of line 13 and line 14 cannot be more than the number of days shown on line 12. Skip line 16 and line 17 and proceed to line 18.

Line 16 – **For fiscal year corporations only,** enter the number of days on line 12 that fall within the period after 6/30/99 and before 1/1/00 or the payment date, whichever is earlier.

Line 17 – **For fiscal year corporations only,** enter the number of days on line 12 that fall within the period after 12/31/99 and before 2/15/00 or the payment date, whichever is earlier. The total days on line 13 through line 17 cannot be more than the number of days shown on line 12.

Line 18 – Divide the number of days shown on line 13 by the number of days in the income year. Multiply the result by 9% and by the underpaid amount shown on line 7.

Line 19 – Divide the number of days shown on line 14 by the number of days in the income year. Multiply the result by 9% and by the underpaid amount shown on line 7.

Line 20 – Divide the number of days shown on line 15 by the number of days in the income year. Multiply the result by 8% and by the underpaid amount shown on line 7.

Line 21 and Line 22 – Divide the number of days shown on line 16 or line 17, by the number of days in the income year. Multiply the result by the percentage, which FTB will determine at a later date. Then multiply the result by the underpaid amount shown on line 7.

Penalty Rates – Call FTB's phone service, **Fast Answers about State Taxes (F.A.S.T.)**, to get updated penalty rates.

For the interest rate for line 19, call after March 1999. For the interest rate for line 20, call after September 1999.

How to Use F.A.S.T.

F.A.S.T. is available in English and Spanish to callers with touch-tone telephones.

F.A.S.T. general tax information, is available 24 hours a day, seven days a week.

From within the United States
call (800) 338-0505

From outside the United States
call (not toll free) (916) 845-6600

After you reach the F.A.S.T. number, select general tax information, follow the recorded instructions and enter code number 403 to get the updated penalty rate.